

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

DAVID BRIAN MORGAN, et al.,)	
)	
Petitioner,)	
)	
v.)	Case No. CIV-21-1030-R
)	
UNITED STATES OF AMERICA,)	
Et al.,)	
)	
Respondents.)	

ORDER

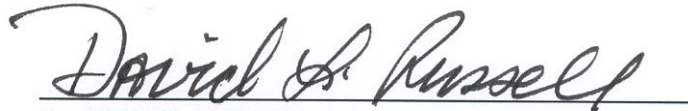
Before the Court is the October 26, 2021 Report and Recommendation issued by Magistrate Judge Gary M. Purcell, wherein he recommends that the Petition for Writ of Habeas Corpus filed by Petitioner, individually and ostensibly on behalf of other inmates, be dismissed for lack of jurisdiction as second or successive. The record reflects Petitioner has not objected to the Report and Recommendation within the time limits prescribed therein nor sought an extension of time in which to object. Accordingly, the Report and Recommendation is hereby adopted, Petitioner having waived the right to object and the Petition, filed by Mr. Morgan is DISMISSED. Further, as noted by Judge Purcell in footnote 1 to the Report and Recommendation, there is no basis for multiple inmates to file a single habeas petition. Accordingly, Petitioners other than Mr. Morgan are dismissed.

Finally, Rule 11(a) of the Rules Governing Section 2254 Cases in the United States District Courts requires the court to issue or deny a certificate of appealability when it enters a final order adverse to a petitioner. When, as here, the Court's adverse decision rests

on procedural grounds, the Court will not issue a certificate of appealability unless Petitioner shows: “[(1)] that jurists of reason would find it debatable whether the petition states a valid claim of the denial of a constitutional right; and [(2)] that jurists of reason would find it debatable whether the district court was correct in its procedural ruling.” *Slack v. McDaniel*, 529 U.S. 473, 484 (2000). The Court, upon review, finds that Petitioner cannot make the required showing. Therefore, the court denies a certificate of appealability.

For the reasons set forth herein the Report and Recommendation (Doc. No. 5) is hereby ADOPTED IN ITS ENTIRETY and the Petition is DISMISSED for Lack of Jurisdiction.

IT IS SO ORDERED this 6th day of December 2021.



DAVID L. RUSSELL
UNITED STATES DISTRICT JUDGE